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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,225	09/08/2003	Shunichi Kihara	K-2129	1062

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EXAMINER

DOSTER GREENE, DINNATIA JO

ART UNIT PAPER NUMBER

3743

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,225	Applicant(s) KIHARA, SHUNICHI	
	Examiner Dinnatia Doster-Greene	Art Unit 3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Office Action</u> . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in file.

Oath/Declaration

2. The oath or declaration filed 09/08/03 has been made of record in the application file wrapper.

Drawings

3. Figure 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly

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those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by **Japanese Patent No. JP2002095686A**. The Japanese Patent clearly discloses an elastic lumbar belt (16a) and a pelvic belt (16b) fitted from the lumbodorsal region towards the lumboabdominal region. As shown in Figs 3, 4 and 5, the pelvic belt (16b) extends parallel along a pelvic angle of inclination. The lumbar belt and pelvic belts are sewn together as illustrated in Figure 1 and the lumbar belt includes a reinforcing plate as shown in Figs. 2 and 6.

7. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by **Striano** (U.S. Patent No. 5,207,636) or **Dunfee** (U.S. Patent No. 5,950,628).

As to claims 1, 2 and 4, Striano discloses a lumbar belt (36, 38) constituted by a band, at least part of which is a stretchable portion, and fitted from a lumbodorsal region toward a lumboabdominal region of a human body. **Striano** also discloses a pelvic belt (18, 20) fitted substantially in parallel along a pelvic angle of inclination of the human body. **Striano** further discloses a reinforcing plate (30) placed along the lumodorsal region.

Likewise, **Dunfee** discloses a lumbar belt 152 and a pelvic belt 166. **Dunfee** also discloses a reinforcing plate (See Figs. 13b-16a) placed along the lumbodorsal region.

8. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by **Yewer, Jr.** (U.S. Patent No. 5,591,122).

As to claims 1-3, Yewer discloses a lumbar belt (22, 24) constituted by a band, at least part of which is a stretchable portion (58), and fitted from a lumbodorsal region toward a lumboabdominal region of a human body. **Yewer** also discloses a pelvic belt (18, 20) fitted substantially in parallel along a pelvic angle of inclination of the human body. In **Yewer**, as shown in Figs. 1 and 2, the pelvic belt (18, 20) can be placed at any angle of attachment since the Velcro™ fastening means is provided along the entire front surface of the lumbar belt (22, 24). The lumbar belt (22, 24) and pelvic belt (18, 20) are sewn together as shown in Fig. 3.

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weber-Unger (U.S. Patent No. 5,690,122); Rise (U.S. Patent No. 5,421,809); Tsuchiya (U.S. Patent No. 5,913,410); Carter (U.S. Patent No. 4,498,201); Mignard (U.S. Patent No. 6,146,345); Alberts (U.S. Patent No. 3,116,736); Lundberg (U.S. Patent No. 6,066,108); and Sebastian et al (U.S. Patent No. 5,122,111).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinnatia Doster-Greene whose telephone number is 703-308-1041. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 703-308-0101. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ddg

Henry Bennett
Supervisory Patent Examiner
Group 3700